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**THE MARKS LAW FIRM, P.C.**

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August 7, 2024

**VIA ECF PACER ONLY**

The Honorable Dale E. Ho  
United States District Court, SDNY  
40 Foley Square  
New York, NY 10007

**RE: Pierre v. Hobart Variety Store Inc., and 1821 Buildings LLC**  
**Docket No.: 1:24-cv-03357-DEH**

**Request to Reopen Case and**  
**Proceed With Expedited Discovery**

Dear Honorable Judge Ho,

At this time, Plaintiff respectfully requests to restore this action to this Court's docket and set it down for a conference in order to set an applicable expedited discovery plan. It should be noted that although Hobart Variety Store Inc. has appeared in this action, neither Hobart Variety Store Inc. nor 1821 Buildings LLC have answered, and their time to do so expired.

On July 10, 2024, Your Honor issued an Order of Dismissal giving the parties thirty (30) days to restore it to the docket [Dkt. 15].

It should be noted that on July 8, 2024, counsel for Hobart Variety Store Inc. verbally confirmed that we had reached a global settlement in principle, and my office sent Attorney Mohammad Al Sawaerer a draft settlement agreement.

On July 9, 2024, Attorney Al Sawaerer confirmed the terms of the settlement as drafted in the settlement agreement. Based upon these representations, Plaintiff signed and circulated the settlement agreement, and also filed the Notice of Settlement [Dkt. 14] upon the assurance that the settlement would be concluded by the end of that week.

After Plaintiff notified Attorney Al Sawaerer (on July 9, 2024) that the Notice of Settlement was filed, he has not responded to a single phone call or email.

On more than a dozen occasions of calling his office, the undersigned has been told that Attorney Al Sawaerer is in the office but busy with a meeting and cannot take my call. Calls to Attorney Al Sawaerer's cell phone have gone to voicemail; however, he has not returned a single call despite his office's assurances that he has been given our messages and that he will return the call.

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Plaintiff has no choice but to request to reopen this matter. It should be noted that Plaintiff remains committed to a settlement; however, it appears that the Court's assistance is needed in making it over the finish line. This is the first request of its kind.

We thank you and the Court for your time and consideration.

Very truly yours,



Darren R. Marks

CC: **VIA ECF PACER**

Hobart Variety Store Inc. via PACER & Email ([sawaeresq@gmail.com](mailto:sawaeresq@gmail.com))  
1821 Building LLC via Email ([lin2000lin@yahoo.com](mailto:lin2000lin@yahoo.com))

Defendant shall file a response, not to exceed two (2) pages, by **August 13, 2024**. If settlement is consummated by then, Defendant shall so notify the Court. The Court reserves decision on Plaintiff's application.

SO ORDERED.



Dale E. Ho  
United States District Judge  
New York, New York  
Dated: August 8, 2024